

**FILED**

**AUG 13 2007**

**Board of Vocational Nursing  
and Psychiatric Technicians**

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8

9 **BEFORE THE**  
10 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. VN-2006-45

14 **CAROL BRADLEY BITTNER, aka**  
15 **CAROL B. BITTNER, aka**  
16 **CAROL JANET BRADLEY, aka**  
17 **CAROL JEANETTE LINDBERG, aka**  
18 **CAROL DEERING**  
1650 Olive Avenue  
Redding, California 96001

**A C C U S A T I O N**

18 Vocational Nurse License No. VN 214785

19 Respondent.  
20

21 Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

22 **PARTIES**

23 1. Complainant brings this Accusation solely in her official capacity as the  
24 Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"),  
25 Department of Consumer Affairs.

26 **License History**

27 2. On or about April 28, 2005, the Board issued Vocational Nurse License  
28 Number VN 214785 ("license") to Carol Bradley Bittner, also known as Carol B. Bittner,



1 Carol Janet Bradley, Carol Jeanette Lindberg, and Carol Deering ("Respondent"). The license  
2 will expire on July 31, 2008, unless renewed.

3 3. Section 2875 of the Business and Professions Code ("Code") states, in  
4 pertinent part, that the Board of Vocational Nursing and Psychiatric Technicians ("Board") may  
5 discipline the holder of a vocational nurse license for any reason provided in Article 3  
6 (commencing with Code section 2875) of the Vocational Nursing Practice Act.

7 4. Code section 118, subdivision (b), states, in pertinent part, that the  
8 expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary  
9 action during the period within which the license may be renewed, restored, reissued or  
10 reinstated. Under Code section 2892.1, the Board may renew an expired license at any time  
11 within four years after the expiration.

12 5. Code section 2878 states, in pertinent part:

13 The Board may suspend or revoke a license issued under this  
14 chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840,  
et seq.)] for any of the following:

15 (a) Unprofessional conduct, . . .

16 (f) Conviction of a crime substantially related to the  
17 qualifications, functions, and duties of a licensed vocational nurse, in  
18 which event the record of the conviction shall be conclusive evidence of  
the conviction.

19 6. Code section 2878.5 states, in pertinent part:

20 In addition to other acts constituting unprofessional conduct  
21 within the meaning of this chapter [the Vocational Nursing  
22 Practice Act] it is unprofessional conduct for a person licensed  
under this chapter to do any of the following:

23 (b) Use any controlled substance as defined in Division  
24 10 of the Health and Safety Code, or any dangerous drug as defined  
25 in Article 8 (commencing with Section 4210) of Chapter 9 of  
26 Division 2 of this code, or alcoholic beverages, to an extent or in a  
manner dangerous or injurious to himself or herself, any other  
person, or the public, or to the extent that such use impairs his or  
her ability to conduct with safety to the public the practice  
authorized by his or her license.

27 (c) Be convicted of a criminal offense involving possession of  
28 any narcotic or dangerous drug, or the prescription, consumption, or self-  
administration of any of the substances described in subdivisions (a) and



1 (b) of this section, in which event the record of the conviction is  
2 conclusive evidence thereof.

3 **COST RECOVERY**

4 7. Code section 125.3 provides, in pertinent part, that the Board may request  
5 the administrative law judge to direct a licensee found to have committed a violation or  
6 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
7 and enforcement of the case.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Criminal Convictions)**

10 8. Respondent has subjected her license to disciplinary action under Code  
11 section 2878, subdivision (f), in that Respondent was convicted of crimes substantially related to  
12 the qualifications, functions or duties of a vocational nurse, as follows:

13 a. On or about October 23, 2006, in the Superior Court of California, County  
14 of Shasta, in the case entitled, *People of the State of California v. Carol B. Bittner* (Super. Ct.  
15 Shasta County, 2006, Case No. CRTR060006070), Respondent was convicted on her plea of  
16 nolo contendere of violating Vehicle Code section 23152, subdivision (b) (Driving While Having  
17 an .08% or Higher Blood Alcohol Content), a misdemeanor. The circumstances of the crime are  
18 that on July 4, 2006, Respondent did willfully and unlawfully, while having 0.08% and more, by  
19 weight, of alcohol in her blood, drive a vehicle.

20 b. On or about October 23, 2006, in the Superior Court of California, County  
21 of Shasta, in the case entitled, *People of the State of California v. Carol B. Bittner* (Super. Ct.  
22 Shasta County, 2006, Case No. CRTR060007393), Respondent was convicted on her plea of  
23 nolo contendere of violating Vehicle Code section 23152, subdivision (b) (Driving While Having  
24 an .08% or Higher Blood Alcohol Content), a misdemeanor. The circumstances of the crime are  
25 that on August 9, 2006, Respondent did willfully and unlawfully, while having 0.08% and more,  
26 by weight, of alcohol in her blood, drive a vehicle.

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1 **PRAYER**

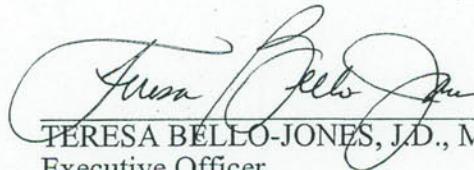
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric  
4 Technicians issue a decision:

5 1. Revoking or suspending Vocational Nurse License Number VN 214785  
6 issued to Carol Bradley Bittner, also known as Carol B. Bittner, Carol Janet Bradley,  
7 Carol Jeanette Lindberg, and Carol Bradley Bittner;

8 2. Ordering Carol Bradley Bittner, also known as Carol B. Bittner,  
9 Carol Janet Bradley, Carol Jeanette Lindberg, and Carol Bradley Bittner to pay the Board the  
10 reasonable costs of the investigation and enforcement of this case pursuant to Code section  
11 125.3; and,

12 3. Taking such other and further action as deemed necessary and proper.

13  
14 DATED: August 13, 2007

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17 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
18 Executive Officer  
19 Board of Vocational Nursing and Psychiatric Technicians  
20 Department of Consumer Affairs  
21 State of California  
22 Complainant  
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